

encodes a zinc finger protein, an expression vector, and plant cells, plants and seeds transformed with the vector, classified in class 800, subclass 278.

- III. Claims 1 and 32-35, drawn to a method of modulating the expression of a target gene by providing plant cells with a zinc finger protein linked to a activator or repressor protein, classified in class 514, subclass 2.
- IV. Claims 1, 4 and 64, drawn to a method of modulating the expression of a target gene by transforming a plant organelle with a nucleic acid that encodes a zinc finger protein, classified in class 800, subclass 278.
- V. Claims 90 and 96, drawn to plant cells and seed transformed with a nucleic acid comprising a geminiviral replicase gene operably linked to a fruit-ripening dependent promoter, classified in class 800, subclass 287.
- VI. Claims 101-105, drawn to a zinc finger protein, classified in class 530, subclass 350.
- VII. Claims 106-107, drawn to an antibody that binds to a zinc finger protein, classified in class 530, subclass 387.1.
- VIII. Claims 108-115, drawn to a nucleic acid encoding a zinc finger protein, cells transformed with the nucleic acid and a method of producing a zinc finger protein, classified in class 536, subclass 23.1.
- VIII. Claims 116-117, drawn to a method for determining a suitable position in a gene for regulating gene expression, classified in class 435, subclass 6.
- IX. Claims 118-121, drawn to a fusion protein comprising a zinc finger of 2C7 and an effector domain of SID, classified in class 530, subclass 350.
- XI. Claims 122-123, drawn to an antibody to a fusion protein comprising a zinc finger of 2C7 and an effector domain of SID, classified in class 530, subclass 387.1.
- XII. Claims 124-132, drawn to a nucleic acid encoding a fusion protein comprising a zinc finger of 2C7 and an effector domain of SID, cell s transformed with the

nucleic acid, and a method of producing the fusion protein, classified in class 536, subclass 23.4.

In response to the Election/Restriction requirement, Applicants elect Group II (1, 3-31, 36-89, 91-100 and 133-138) with traverse.

Applicants respectfully request that Group IV be joined with Group II. Both groups are directed to a method of modulating expression by transforming a plant with a nucleic acid encoding a ZFP (i.e., same starting material, same method and steps, just a slightly more refined end target as Group IV is concerned). Group IV is simply a species of Group II, in that Group IV is directed to an "organelle," a component within the plant/plant cells of Group II. In addition, there would be no undue search burden as both groups belong to the same class and subclass. *u.c.g. 1-2*

Applicants respectfully request that Group III be joined with Group II. Group III is directed to the same method of modulating the expression of a target gene. The steps are the same in that once the nucleic acid of claims II or IV are added to the cell, the nucleic acid is transcribed and a ZFP provided. Hence, the steps are intimately related because the nucleic acids of Groups II and IV can encode the ZFP of Group III. *no way*

Applicants respectfully request that Group VIII be joined with Group II. The claims of Group VIII are directed to the nucleic acids themselves, cells containing them and the methods of their production. These compositions are the starting materials and/or the products of the methods of Groups II-IV. There would be no undue search burden as it would be possible to search for Groups II-IV without searching Group VIII. *u.c.g.*

Applicants respectfully request that Group I be joined with Group III. There would be no undue search burden as both groups belong to the same class and subclass. For the same reason, applicants further respectfully request that Group VI be joined with Group X and Group VII be joined with Group XI. *u.c.g. 1-2*

Applicants expressly reserve the right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 278012001420. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: Feb. 10, 2003 By: _____

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